

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

DONALD J. TRUMP, Candidate for President of the
United States of America,

Plaintiff,

v.

THE WISCONSIN ELECTIONS COMMISSION, and its
members, ANN S. JACOBS, MARK L. THOMSEN,
MARGE BOSTELMANN, DEAN KNUDSON,
ROBERT F. SPINDELL, JR., in their official capacities,
SCOTT MCDONELL in his official capacity as the Dane
County Clerk, GEORGE L. CHRISTENSON in his
official capacity as the Milwaukee County Clerk,
JULIETTA HENRY in her official capacity as the
Milwaukee Election Director, CLAIRE WOODALL-
VOGG in her official capacity as the Executive Director
of the Milwaukee Election Commission, MAYOR TOM
BARRETT, JIM OWCZARSKI, MAYOR SATYA
RHODES-CONWAY, MARIBETH WITZEL-BEHL,
MAYOR CORY MASON, TARA COOLIDGE, MAYOR
JOHN ANTARAMIAN, MATT KRAUTER, MAYOR
ERIC GENRICH, KRIS TESKE, in their official
capacities; DOUGLAS J. LA FOLLETTE, Wisconsin
Secretary of State, in his official capacity, and TONY
EVERS, Governor of Wisconsin, in his official capacity.

Case No.:20CV1785

Defendants.

GOVERNOR EVERS' NOTICE OF SUPPLEMENTAL AUTHORITY

Governor Evers submits this Notice of Supplemental Authority to alert the Court of a decision granting the motion to dismiss in *Feehan v. Wisconsin Election Commission*, No. 20-cv-1771, Doc. 83 (E.D. Wis. Dec. 9, 2020). That decision is attached as Exhibit A.

The *Feehan* opinion addresses a number of issues relevant to this Court’s decision. *First*, the court notes that it “must resolve the defenses before moving to the merits. . . . If this court does not have jurisdiction to hear and decide those claims, any decision it might make regarding the merits of the claims would be invalid. For that reason, the court considers the motions to dismiss before considering the plaintiff’s request for injunctive relief.” Ex. A. at 13. *Second*, the court notes that no standing exists due to the lack of redressability. *Id.* at 22-23. It also found that the Electors Clause “confers on the *state* the right to appoint electors and confers on the *legislature* the right to decide the way those electors will be appointed. It confers no right on the *electors* themselves.” *Id.* at 28. *Third*, the court found that Eleventh Amendment immunity bars the suit because the relief requested—decertifying the election and ordering Wisconsin’s electors to vote for President Trump—is retrospective. *Id.* at 33-38.

Respectfully submitted this 9th day of December 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, December 9, 2020, I filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Davida Brook